

REMARKS

Claims 1-11 have been previously canceled, claims 12, 13, 22, 23 and 28-30 have been amended herein. Claims 14, 15, 17 and 18 are currently canceled and no new claims have been added by way of this response. Thus, claims 12, 13, 16 and 19-30 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Objections to the Drawings:

The Examiner has objected to the drawings due to informalities. Applicants have amended figures 1-4 to resolve the informalities and respectfully request withdrawal of the objections.

Response to Rejections Under Section 112:

Claims 13, 15, 18, 21-23, 27 and 30 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention.

Applicant's have amended claims 13, 22, 23 and 30 to resolve any indefiniteness issues and respectfully request the Examiner to reconsider and withdraw the section 112, second paragraph rejections.

Response to Rejections Under Section 102:

Claims 12-16, 22-23 and 28 stand rejected under 35 U.S.C § 102(b), the Examiner contending that these claims are anticipated by Mattejat et al. (USPN 5,472,801) and claims 12-13, 16-18 and 28 stand rejected under 35 U.S.C § 102(e), the Examiner contending that these claims are anticipated by Mizuno et al (USPN 2004/0161658).

Mattejat et al.

Applicants' amended claim 12 recites in part:

...the separator is formed from two plates each having an
essentially rib shaped embossing ...

and amended claim 28 recites in part:

...the **embossing is essentially rib shaped.**

In contrast, Mattejat et al. teaches hemispherical protuberances that are not **essentially rib shaped** as recited in Applicants claims 12 and 28. Furthermore, the Examiner concedes that Mattejat et al. does not teach essentially rib-shaped embossings in the instant Office Action (page 7, item 9).

MPEP 2131 requires "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM." Therefore, Applicant's respectfully submit that Mattejat et al. does not anticipate claims 12 and 28. Furthermore, Claims 13-16, 22-23 which depend on claim 12 are also patentable at least based on their dependence from claim 12 as well as based on their own merits.

Mizuno:

Applicants respectfully point out that Applicants effective filing date based upon the claim of priority to the parent German application is May 26, 2003 which is before the filing date of Mizuno et al. (February 13, 2004) therefore, Mizuno et al. is not prior art as applied to the instant application.

In light of the above, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

Response to Rejections Under Section 103:

Claims 29-30 stand rejected under 35 U.S.C § 103(a) as being obvious over Mattejat et al.

Amended **claim 29** recites in part:

...the **embossing is essentially rib shaped**.

and amended **claim 30** recites in part:

...having an **essentially rib shaped embossing**...

as discussed above, Mattejat et al. does not teach rib shaped embossing. Applicants respectfully request withdrawal of the section 103 rejections as applied to claims 29 and 30.

Claims 17-19 and 24-27 stand rejected under 35 U.S.C § 103(a) as being obvious over Mattejat et al. in view of Nolscher (USPN 6,080,502) and Enami (JP 10-308,227) and claims 20-21 are rejected under 35 U.S.C § 103(a) as being obvious over Mattejat et al. in view of Yasuo et

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al. (USPN 2002/0187379). Claims 17-18 are canceled therefore the rejection of claims 17 and 18 is moot.

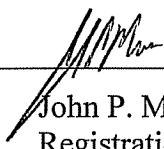
For at least the reasons discussed in connection with the Section 102 rejections, Applicants respectfully submit that these claims are patentable at least based on their dependence from claim 12 as well as their own merit and respectfully request the Examiner to withdraw the Section 103 rejections.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 10/29/08

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